

STATE OF MISSISSIPPI



FILED

JUN 10 2015

OF THE CLERK
SUPREME COURT
COURT OF APPEALS

**JIM HOOD
ATTORNEY GENERAL**

June 10, 2015

Honorable Muriel Ellis
Mississippi Supreme Court Clerk
Gartin Justice Building
Post Office Box 249
Jackson, Mississippi 39205-0249

Re: Citation to Supplemental Authority in
Bobby Joe Pinkney v. State of Mississippi
(2014-CP-00583-COA / 2014-CP-00594-COA / 2014-CP-00605-COA)

Dear Madam Clerk:

In accordance with Rule 28(k) of the Mississippi Rules of Appellate Procedure, the State of Mississippi would like to bring to the Court's attention the Court of Appeals' recent decision in ***Avery v. State***, 2014-CP-000767-COA (June 9, 2015).

This opinion handed down after the State submitted its Appellee Brief; however, the opinion is closely related to an argument that the State made in its brief. Specifically, footnote 4 of this Court's opinion in ***Avery*** is in line with the argument that the State made in pages 2-4 of its Appellee brief. The State respectfully requests that this Court consider the points made in the State's brief in conjunction with this Court's opinion in ***Avery***.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Byrd". The signature is fluid and cursive.

Barbara Byrd
Special Assistant Attorney General

BB:kg
pc: Bobby Joe Pinkney, #57506